

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel, W.A. DREW
EDMONDSON, in his capacity as ATTORNEY
GENERAL OF THE STATE OF OKLAHOMA,
et al.,

Plaintiffs,

v.

TYSON FOODS, INC., et al.,

Defendants.

Case No. 4:05-CV-329-TCK-SAJ

THE TYSON DEFENDANTS' REQUEST FOR ORAL ARGUMENT

Several interrelated motions are pending before this Court. Accordingly, Defendants Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; and Cobb-Vantress, Inc. (collectively, the "Tyson Defendants") respectfully request that this Court hear oral argument on the following:

1. *Defendants' Motion for Entry of Case Management Order and Integrated Brief in Support* (Docket No. 946);
2. *Defendants' Motion for Leave to Exceed Numerical Limitation on Requests for Admission* (Docket No. 949); and
3. the parties' filings and supplemental briefs (including Docket Nos. 935, 942) associated with *Defendant Cobb-Vantress, Inc.'s First Motion to Compel Discovery* ("Motion to Compel") (Docket No. 743).

Oral argument would more fully develop the issues presented by these motions and assist the Court's deliberations by facilitating an exchange of information between the Court and the parties that may not be achieved through briefing alone. All of these motions, filings, and briefs are interconnected because each is directed toward discovery and the orderly exchange of information between the parties. For example, the interrelatedness of these motions, filings, and briefs is demonstrated by the fact that

Defendants' Motion for Leave to Exceed Numerical Limitation on Requests for Admission (Docket No. 949) and *Defendants' Motion for Entry of Case Management Order* (Docket No. 946) both address the urgent need for discovery of the key facts relating to Plaintiffs' claims, some of which are at the heart of Cobb-Vantress, Inc.'s *Motion to Compel*. Because these various filings are interrelated, judicial economy and efficiency would be served by allowing argument on all of these motions, filings, and briefs during the same hearing.

Although this Court heard oral argument on Defendant Cobb-Vantress, Inc.'s *Motion to Compel* on August 10, 2006, the Court subsequently granted Cobb-Vantress, Inc. leave to file a supplemental brief in support of its *Motion to Compel* and likewise granted Plaintiffs permission to file a supplemental response. See October 12, 2006 Order (Docket No. 944). The parties' filings relating to the supplemental briefs, and the briefs themselves, will present this Court with additional information regarding the merits of Cobb-Vantress, Inc.'s *Motion to Compel*. See Docket Nos. 935, 942, and 947 and Plaintiffs' anticipated supplemental response. Cobb-Vantress, Inc. does not seek oral argument to revisit matters addressed during the August 10, 2006 hearing before this Court. Instead, Cobb-Vantress, Inc. seeks oral argument only to address: (1) the additional matters presented in the supplemental briefs and associated filings relating to Cobb-Vantress, Inc.'s *Motion to Compel*; (2) the merits of *Defendants' Motion for Leave to Exceed Numerical Limitation on Requests for Admission* and *Defendants' Motion for Entry of Case Management Order*; and (3) the interplay between the issues addressed in these filings.

If the Court does not wish to hear argument on the supplemental briefs and

associated filings relating to Cobb-Vantress, Inc.'s *Motion to Compel*, the Tyson Defendants respectfully suggest that oral argument is still warranted on *Defendants' Motion for Leave to Exceed Numerical Limitation on Requests for Admission* and *Defendants' Motion for Entry of Case Management Order*, both of which will greatly expedite, organize, and ease the burden of discovery in this case.

WHEREFORE, the Tyson Defendants respectfully request that this Court schedule oral argument on each of the above-referenced matters.

Respectfully submitted,

BY: /s/Robert W. George

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CERTIFICATE OF SERVICE

I certify that on the 18th day of October 2006, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

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